

AMENDED IN ASSEMBLY AUGUST 19, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE MARCH 29, 2016

**SENATE BILL**

**No. 1379**

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**Introduced by Senator Mendoza**

February 19, 2016

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~~An act to amend Section 5710 of the Labor Code, relating to employment. An act to amend Section 130051 of the Public Utilities Code, relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1379, as amended, Mendoza. ~~Workers' compensation: depositions: interpreters.~~ *Los Angeles County Metropolitan Transportation Authority.*

*Existing law creates the Los Angeles County Metropolitan Transportation Authority with specified powers and duties relative to transportation planning, programming, and operations in the County of Los Angeles. The authority is governed by a 14-member board of directors, including the Mayor of the City of Los Angeles, 2 public members and one Los Angeles City Council member appointed by the mayor, 4 members appointed from the other cities in the county, the 5 members of the board of supervisors, and one nonvoting member appointed by the Governor.*

*This bill would restructure the board of directors to include the Mayor of the City of Los Angeles, 2 Los Angeles City Council Members, 2 public members who are residents of the City of Los Angeles, the Mayor of the City of Long Beach, 5 mayors or city council members from the other cities in the county, 2 members of the board of supervisors appointed by that board, and one nonvoting member appointed by the*

*Governor. The bill would require the Mayor of the City of Los Angeles to appoint the 2 members of the Los Angeles City Council and one public member, and would require the President Pro Tempore of the Senate to appoint the other public member from a list submitted by the mayor. The bill would require the Los Angeles County City Selection Committee to appoint 4 of the members from each of 4 specified sectors representing the other cities within the county, and would require the Speaker of the Assembly to appoint the 5th representative of the other cities within the county, who may not reside in the same city as another member of the authority board at the time of appointment, from a list submitted by the Los Angeles County City Selection Committee.*

*By requiring the board membership to be restructured, the bill would thereby impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law requires the State Personnel Board to establish, maintain, administer, and publish annually an updated list of certified administrative hearing interpreters it has determined meet the minimum standards in interpreting skills and linguistic abilities in designated languages. Under existing law, certified court interpreters, among others, are deemed certified for the purposes of administrative hearings. Existing law additionally authorizes the Administrative Director of the Division of Workers' Compensation (administrative director) to establish, maintain, administer, and publish annually an updated list of certified administrative hearing interpreters who, based on testing by an independent organization designated by the administrative director, have been determined to meet the minimum standards in interpreting skills and linguistic abilities in designated languages, for purposes of administrative hearings conducted pursuant to proceedings of the Workers' Compensation Appeals Board (appeals board). Existing law authorizes depositions to be taken in conjunction with any investigation or hearing before the appeals board.~~

~~This bill would require that, for those depositions requiring an interpreter, specified information regarding the interpreter and his or~~

her certification be stated on the record and that there be a statement on the record that the certified interpreter's identification has been verified by the appeals board or judge ordering the deposition, or by the party giving the deposition testimony, or his or her representative, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *It is the intent of the Legislature that the members*
- 2     *of the Board of Directors of the Los Angeles County Metropolitan*
- 3     *Transportation Authority representing the County of Los Angeles,*
- 4     *the City of Los Angeles, and the 87 other cities in the County of*
- 5     *Los Angeles be appointed in a manner that ensures a close*
- 6     *approximation to the ratio of populations of the respective*
- 7     *jurisdictions to the county's total population.*
- 8     SEC. 2. *Section 130051 of the Public Utilities Code is amended*
- 9     *to read:*
- 10    130051. The Los Angeles County Metropolitan Transportation
- 11    Authority consists of 14 members, as follows:
- 12    (a) ~~Five~~Two members of the Los Angeles County Board of
- 13    ~~Supervisors. Supervisors, appointed by that board of supervisors.~~
- 14    ~~If the number of members of the Los Angeles County Board of~~
- 15    ~~Supervisors is increased, the authority shall, within 60 days of the~~
- 16    ~~increase, submit a plan to the Legislature for revising the~~
- 17    ~~composition of the authority.~~
- 18    (b) The Mayor of the City of Los Angeles.
- 19    (c) Two ~~public~~ members ~~and one member~~ of the City Council
- 20    of the City of Los Angeles appointed by the Mayor of the City of
- 21    Los Angeles.
- 22    (d) *One public member, who shall be a resident of the City of*
- 23    *Los Angeles, appointed by the Mayor of the City of Los Angeles.*
- 24    (e) *One public member, who shall be a resident of the City of*
- 25    *Los Angeles, appointed by the President Pro Tempore of the Senate*
- 26    *from a list of candidates submitted by the Mayor of the City of Los*
- 27    *Angeles.*
- 28    (f) *The Mayor of the City of Long Beach.*
- 29    ~~(d)~~

(g) Four members, *one from each sector, each* of whom shall be a mayor or a member of a city council, appointed by the Los Angeles County City Selection Committee. For purposes of the selection of these four members, the County of Los Angeles, excluding the City of Los Angeles, *Angeles and the City of Long Beach*, shall be divided into the following four sectors:

- (1) The North County/San Fernando Valley sector.
- (2) The Southwest Corridor sector.
- (3) The San Gabriel Valley sector.
- (4) The Southeast ~~Long Beach~~ sector.

The League of California Cities, Los Angeles County Division, shall define the sectors. Every city within a sector shall be entitled to vote to nominate one or more candidates from that sector for consideration for appointment by the Los Angeles County City Selection Committee. A city's vote shall be weighted in the same proportion that its population bears to the total population of all cities within the sector.

The members appointed pursuant to this subdivision shall be appointed by the Los Angeles County City Selection Committee upon an affirmative vote of its members which represent a majority of the population of all cities within the county, excluding the City of Los Angeles. *Angeles and the City of Long Beach*.

The members selected by the city selection committee shall serve four-year terms with no limitation on the number of terms that may be served by any individual. The city selection committee may shorten the initial four-year term for one or more of the members for the purpose of ensuring that the members will serve staggered terms.

~~(e)~~

(h) If the population of the City of Los Angeles, at any time, becomes less than 35 percent of the combined population of all cities in the county, the position of one of the ~~two public~~ members appointed pursuant to subdivision ~~(e)~~, (c) or (d), as determined by the Mayor of the City of Los Angeles ~~by lot~~, *Angeles*, shall be vacated, and the vacant position shall be filled by appointment by the city selection committee pursuant to subdivision ~~(d)~~ (g) from a city not represented by any other member appointed pursuant to subdivision ~~(d)~~ (g).

(i) *One mayor or city council member appointed by the Speaker of the Assembly from a list submitted by the Los Angeles County*

1 *City Selection Committee that contains two or more candidates*  
2 *from each sector in subdivision (g). The Los Angeles County City*  
3 *Selection Committee shall submit a list of candidates to the Speaker*  
4 *of the Assembly until the appointment is made. At the time a*  
5 *member is appointed pursuant to this subdivision, the member*  
6 *shall not reside in the same city as another member of the*  
7 *authority.*

8 ~~(f)~~

9 (j) One nonvoting member appointed by the Governor.

10 SEC. 3. *If the Commission on State Mandates determines that*  
11 *this act contains costs mandated by the state, reimbursement to*  
12 *local agencies and school districts for those costs shall be made*  
13 *pursuant to Part 7 (commencing with Section 17500) of Division*  
14 *4 of Title 2 of the Government Code.*

15 SECTION 1. ~~Section 5710 of the Labor Code is amended to~~  
16 ~~read:~~

17 ~~5710. (a) The appeals board, a workers' compensation judge,~~  
18 ~~or any party to the action or proceeding, may, in any investigation~~  
19 ~~or hearing before the appeals board, cause the deposition of~~  
20 ~~witnesses residing within or without the state to be taken in the~~  
21 ~~manner prescribed by law for like depositions in civil actions in~~  
22 ~~the superior courts of this state under Title 4 (commencing with~~  
23 ~~Section 2016.010) of Part 4 of the Code of Civil Procedure. To~~  
24 ~~that end the attendance of witnesses and the production of records~~  
25 ~~may be required. Depositions may be taken outside the state before~~  
26 ~~any officer authorized to administer oaths. The appeals board or~~  
27 ~~a workers' compensation judge in any proceeding before the~~  
28 ~~appeals board may cause evidence to be taken in other jurisdictions~~  
29 ~~before the agency authorized to hear workers' compensation~~  
30 ~~matters in those other jurisdictions.~~

31 ~~(b) If the employer or insurance carrier requests a deposition to~~  
32 ~~be taken of an injured employee, or any person claiming benefits~~  
33 ~~as a dependent of an injured employee, the deponent is entitled to~~  
34 ~~receive in addition to all other benefits:~~

35 ~~(1) All reasonable expenses of transportation, meals, and lodging~~  
36 ~~incident to the deposition.~~

37 ~~(2) Reimbursement for any loss of wages incurred during~~  
38 ~~attendance at the deposition.~~

39 ~~(3) One copy of the transcript of the deposition, without cost.~~

1     ~~(4) A reasonable allowance for attorney's fees for the deponent,~~  
2     ~~if represented by an attorney licensed by the State Bar of this state.~~  
3     ~~The fee shall be discretionary with, and, if allowed, shall be set~~  
4     ~~by, the appeals board, but shall be paid by the employer or his or~~  
5     ~~her insurer.~~

6     ~~(5) If interpretation services are required because the injured~~  
7     ~~employee or deponent does not proficiently speak or understand~~  
8     ~~the English language, upon a request from either, the employer~~  
9     ~~shall pay for the services of a language interpreter certified or~~  
10    ~~deemed certified pursuant to Article 8 (commencing with Section~~  
11    ~~11435.05) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of, or~~  
12    ~~Section 68566 of, the Government Code. The fee to be paid by the~~  
13    ~~employer shall be in accordance with the fee schedule adopted by~~  
14    ~~the administrative director and shall include any other~~  
15    ~~deposition-related events as permitted by the administrative~~  
16    ~~director.~~

17    ~~(e) If interpretation services are required pursuant to subdivision~~  
18    ~~(a) or (b), the following shall be stated on the record:~~

19    ~~(1) The name of the certified court interpreter or certified~~  
20    ~~administrative hearing interpreter, as listed on his or her court or~~  
21    ~~administrative hearing interpreter certification.~~

22    ~~(2) His or her current certification number.~~

23    ~~(3) A statement that the certified court interpreter's or certified~~  
24    ~~administrative hearing interpreter's identification has been verified~~  
25    ~~by the board or judge ordering the deposition, or by the party giving~~  
26    ~~testimony, or his or her representative, using a certified interpreter~~  
27    ~~identification badge issued by the Judicial Council, an~~  
28    ~~administrative hearing interpreter badge issued by the Department~~  
29    ~~of Human Resources, or other documentation that verifies the~~  
30    ~~interpreter's certification accompanied by photo identification.~~

31    ~~(4) The language to be interpreted.~~

32    ~~(5) If the interpreter is a certified court interpreter, a statement~~  
33    ~~that the interpreter's oath was administered to the certified court~~  
34    ~~interpreter or that he or she has an oath on file with the court.~~